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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *zook*

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MEMORANDUM TO MR. ACHESON.

A telegram from Montevideo (No. 458 of September 24, a copy of which is attached) provides a fresh and clear warning of the imminent embarrassment to the United States inherent in the current program of SWNCC and of the War and Navy Departments to bring large numbers of German scientists and technicians into the United States, and to confer on them visa or immigrant status with all the freedom of movement and occupation which that status permits. Under the procedure proposed at Montevideo, the Department will be compelled to report to the Committee on Political Defense--that is to say, to the governments of the Hemisphere the names of each German whom this Government, with the active facilitation of the Department,

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Department, will be bringing in from Germany to the United States, since each such German is a person whose entry or residence in this Hemisphere is by Inter-American agreement characterized as dangerous. The Department would thus be placed publicly in the position of demonstrating our own large-scale violation of the very provisions of the Rio and Mexico City commitments to whose enforcement we are pledged and upon whose observance by the other American Republics, and particularly by Argentina, we are insisting.

Perhaps we might nevertheless plausibly continue to insist simultaneously on compliance by other governments with those very same commitments, if the SWNCC-War and Navy program could reasonably be characterized and defended as a military operation. It seems to me completely feasible, and sufficient for the purposes of all the alleged military necessities, to postpone all action by this Government on immigration, visa, or other civilian status

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for any German scientists and technicians, and to confine their movement to the United States to a truly military custody basis exclusively, with appropriate and sincere handling along military security lines. However, a so-called military custody program which is in no realistic sense distinguishable from free migration, employment and movement within the United States, is quite another matter which cannot be that easily explained; and, of course, no satisfactory explanation is possible for the granting of immigrant status or visa entry.

The SWNCC-War and Navy program, I find, goes much further than the reasonable requirements of military necessity. The program is set forth in two SWNCC papers and has been announced by a recent press release by the War Department, a copy of which is attached; its character also appears from a communication to me from General Hildring and from other information in the Department.

The program

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The program contemplates the granting of immigrant status or visa entry along with the proposed military custody arrangement and, with the active participation of the civil authorities of the United States and of the Department itself, it covers persons whom unquestionably our international commitments require us to expel from this country and from every country in the Hemisphere.

That our insistence heretofore on the compliance by Argentina and by other Governments with the commitments compelling the exclusion of German scientists and technicians from the Hemisphere is not academic or legalistic seems to me demonstrated by a memorandum from EC dated September 17, 1946, entitled, "Efforts to Preserve German Power Outside Allied Occupation", a copy of which I note was also sent to you.

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Should this Government proceed beyond a sincere military custody program, I cannot see how we can simultaneously continue our present Inter-American policy, or our participation in the Inter-American Committee on Political Defense. Our Argentine policy, as set forth in the memorandum only recently approved by the President, would be hopelessly undermined. [The injury to the prestige and the honor of this Government would not be easily reparable.]

I see no alternative, therefore, but to recommend that in the event the present German scientists program is to go forward, the Department should, first, inform Argentina forthwith that its commitments with respect to the expulsion of dangerous Germans need no longer be observed and, second, announce to each of the participating Hemisphere Governments that this Government no longer considers that the commitments of Mexico City Resolution VII and Rio Resolution XVII, implemented by

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Resolution XXVI of the Committee on Political Defense, are binding on any of the signatory governments. The Committee on Political Defense should of course be disbanded or given another assignment.

Since it is not my province, I make no recommendation with respect to our relation with Eastern Hemisphere governments along similar lines; but an analogous dilemma would seem to be present in that area as well, in consequence of the German scientists program.

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